

ARCO INDUSTRIES, INC.

Plaintiff(s)

- against -

Index # 08 CV 01999

NEW YORK WINE CO. LLC, ETAL

Defendant(s)

Purchased February 28, 2008

File # 220(D) 1530-007

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

BARRY F. GERMAN BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on March 13, 2008 at 12:55 PM at

21 WARREN STREET  
NEW YORK, NY 10007

deponent served the within SUMMONS AND COMPLAINT WITH EXHIBITS, CIVIL COVER SHEET, RULE 7.1 STATEMENT on NEW YORK WINE CO. LLC therein named.

BY LEAVING A TRUE COPY WITH ALEX ZINK, MANAGER, BEING AUTHORIZED TO ACCEPT LEGAL PAPERS STATED.

Deponent further states that he describes the person actually served as follows:

| Sex     | Skin Color | Hair Color | Age (Approx.) | Height (Approx.) | Weight (Approx.) |
|---------|------------|------------|---------------|------------------|------------------|
| MALE    | WHITE      | BROWN      | 38            | 6'2              | 185              |
| GLASSES |            |            |               |                  |                  |

That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action.

Sworn to me on: March 14, 2008

JOEL GRABER  
Notary Public, State of New York  
No. 02GR4699723  
Qualified in New York County  
Expires February 10, 2010

JOSEPH KNIGHT  
Notary Public, State of New York  
No. 01KN6178241  
Qualified In New York County  
Expires November 26, 2011

JONATHAN GRABER  
Notary Public, State of New York  
No. 01GR6156780  
Qualified in New York County  
Expires December 4, 2010

  
BARRY F. GERMAN  
License #: 982866  
Invoice #: 457776

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NEW YORK, NY 10007

deponent served the within SUMMONS AND COMPLAINT WITH EXHIBITS, CIVIL COVER SHEET, RULE 7.1 STATEMENT on ROBERT ALLEN therein named,

**SUITABLE AGE** by delivering thereat a true copy of each to ALEX ZINK a person of suitable age and discretion. Said premises is Defendant's actual place of business within the state. He identified himself as the CO-WORKER of the Defendant.

Deponent further states that he describes the person actually served as follows:

| Sex     | Skin Color | Hair Color | Age (Approx.) | Height (Approx.) | Weight (Approx) |
|---------|------------|------------|---------------|------------------|-----------------|
| MALE    | WHITE      | BROWN      | 38            | 6'2              | 185             |
| GLASSES |            |            |               |                  |                 |

**MAILING** Deponent enclosed a copy of same in a postpaid wrapper properly addressed to the Defendant at the Defendant's actual place of business at

21 WARREN STREET  
NEW YORK, NY 10007

and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on March 14, 2008 by REGULAR FIRST CLASS MAIL in an envelope marked PERSONAL & CONFIDENTIAL and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served.

**MILITARY SERVICE** Person spoken to was asked whether the Defendant was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the Defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action.

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**SUITABLE AGE** by delivering thereat a true copy of each to ALEX ZINK a person of suitable age and discretion. Said premises is Defendant's actual place of business within the state. He identified himself as the CO-WORKER of the Defendant.

Deponent further states that he describes the person actually served as follows:

| Sex  | Skin Color | Hair Color | Age (Approx.) | Height (Approx.) | Weight (Approx) |
|------|------------|------------|---------------|------------------|-----------------|
| MALE | WHITE      | BROWN      | 38            | 6'2              | 185             |

GLASSES

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